

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

KIM SMITH, : CIVIL ACTION NO. 1:01-0817

Plaintiff : (CALDWELL, J.)

v. : (MANNION, M.J.)

JAMES MORGAN, et al., :  
Defendants :  
  
O R D E R

14  
PHE  
12-6  
FILED  
WILKES BARRE  
DEC - 6 2001  
MARY E. D'ANDREA, CLERK  
Per  
DEPUTY CLERK

On November 30, 2001, the plaintiff filed a motion for a temporary restraining order, in which he claims that the defendants are denying him access to the courts by refusing to mail certain of his legal documents. (Doc. No. 39). Upon review, there is no indication that the plaintiff has served this motion upon the defendants in accordance with Rule 5 of the Federal Rules of Civil Procedure.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

- (1) the plaintiff is to serve his motion for a temporary restraining order filed on November 30, 2001, (Doc. No. 39), upon all of the defendants;
- (2) the plaintiff is to file with the court a certificate of service which indicates the date on which service of the motion was made upon the defendants; and
- (3) the defendants are to file a response to the plaintiff's motion for a temporary restraining order

within fifteen (15) days of the date of service of the motion.



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MALACHY E. MANNION  
United States Magistrate Judge

Date: December 6, 2001

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

December 6, 2001

Re: 1:01-cv-00817 Smith v. Weaver

True and correct copies of the attached were mailed by the clerk to the following:

Kim Smith  
SCI-COAL  
CT-2162  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1020

John J. Talaber, Esq.  
PA Dept. of Corrections  
55 Utley Dr.  
Camp Hill, PA 17011

James D. Young, Esq.  
Lavery & Associates, P.C.  
301 Market Street  
P.O. Box 1245  
Suite 800  
Harrisburg, PA 17108-1245

cc:

Judge	( )	( )	Pro Se Law Clerk
Magistrate Judge	( )	( )	INS
U.S. Marshal	( )	( )	Jury Clerk
Probation	( )		
U.S. Attorney	( )		
Atty. for Deft.	( )		
Defendant	( )		
Warden	( )		
Bureau of Prisons	( )		
Ct Reporter	( )		
Ctroom Deputy	( )		
Orig-Security	( )		
Federal Public Defender	( )		
Summons Issued	( )	with N/C attached to complt. and served by:	
		U.S. Marshal ( )	Pltf's Attorney ( )
Standard Order 93-5	( )		
Order to Show Cause	( )	with Petition attached & mailed certified mail	

to: US Atty Gen ( ) PA Atty Gen ( )  
DA of County ( ) Respondents ( )

Bankruptcy Court ( )  
Other ( )

DATE: 12-16-01

MARY E. D'ANDREA, Clerk

BY:

  
Deputy Clerk